UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,755	08/08/2006	Ilan Ben-David	P-6519-US	2787

49443   7590   08/26/2010
Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

EXAMINER
SPAR, ILANA L

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
08/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/588,755	BEN-DAVID ET AL.
	Examiner	Art Unit
	ILANA SPAR	2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>6</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1, 6, 7, 9-18, 22, 23, 25-30, 32, 36, 38-40*.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Bipin Shalwala/
Supervisory Patent Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because: The claims as currently amended fail to overcome the existing rejection. Applicant argues (see pages 12-13) that the data optimizer 602 taught by Lee does not meet the limitation of the second converter of claim 1. Examiner points to cited column 10, lines 32-38 as indicative that the conversion is based on display attributes - specifically, that the image signal is modified suitable for the operation of the panel assembly. This modification, geared sefically toward maintaining the suitability of the image signal for the specific display device, is therefore based on a display attribute. While applicant points to paragraph 26 of the specification for examples of what a display attribute is, such a limitation is not included in the claim language and therefore would not be read into the claimed subject matter. Examiner points to cited column 11, lines 42-43 as indicative that the conversion is based on image attributes - specifically, the four-color image signals are optimized, indicating that the image quality is enhanced. This additionally comprises an image attribute, regardless of any examples of image attributes that may be provided in the specification. Applicant further argues on pages 14-16 that the signal controller 600 taught by Lee fails to meet the limitation of the controller of claim 1. Examiner contends that the controller 600 as taught by Lee contains the image signal modifier 610, which further contains the data optimizer 602 (see Figures 1 and 7 and the corresponding descriptions in the specification). By its very nature, a controller controls, and it would certainly control functions occurring within itself, such that the controller 600 must control the functions of the data optimizer 602. As cited in the rejection, the data optimizer 602 converts image data based on display attributes and image attributes. It would therefore be clear that the controller controls the data optmizer to allow it to carry out the function of converting image data based on display attributes and image attributes. Applicant further argues (see pages 16-17) that Lee fails to teach the limitations of claims 5 and 8 which have been incorporated into claim 1. As to the use of a conversion matrix by the second converter, Examiner points to the functions (1, 2, 3, 4) listed in column 12 of Lee, which teach the conversion equations used to convert RGB data into R', G', B', and W' data. It is well known to use a set of input equations as a matrix function to calculate a corresponding set of output equations, which is what can be done with the equations taught by Lee. Additionally, as explained above, because the controller includes the data optimizer, it is clear that the values for the matrix which are calculated within controller 600 are determined by the controller and provided to the data optimizer for use. As to applicant's arguments that the display attributes and image attributes are dynamically varying as opposed to the static attributes taught by Lee, this limitation is not part of the claimed subject matter and therefore is not of consideration at this time. To clarify the rejection of claims 13 and 14, which applicant has argued on pages 17-19, Examiner notes that the display attribute of "brightness non-homogeneity" is compensated for by the location of the pixel colors, which the affects how the image data is converted. The image attribute of "brightness uniformity" or "color uniformity" is similarly taught by this cited portion, as the image data is also adjusted to compensate for this brightness of the overall display, which is in part done by the arrangement of pixels on the display. In view of the abovementioned response, Examiner maintains the current rejection of all claims.

2